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**THIS ORDER IS CORRECTED AND UPLOADED IN VIEW OF  
THE ORDER DATED 12-12-2024.**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**906 WRIT PETITION NO. 14317 OF 2023**

**JULAL DHANSING PATIL**

....Petitioner

**VERSUS**

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY  
AND OTHERS**

.....Respondent

Mr. U. S. Patil, Advocate for the petitioners

Mr. A. B. Kadethankar, Advocate for the respondent No.6

Mr. A. R. Kawade, Advocate for the respondent No.4

Mr. P. D. Patil, AGP for the respondents/State

**Mr. A. R. Syed, Advocate h/f Mr. S. P. Pandit, Advocate for  
respondent No.5**

**CORAM : KISHORE C. SANT, J.**

**DATE : 10<sup>th</sup> DECEMBER, 2024**

**P. C.**

1. Heard the parties.
2. By consent the petition is taken up for final disposal.
3. A short ground raised by the petitioner is that the

learned Collector, Jalgaon has passed the order against the petitioner holding him disqualified to be a Member, Grampanchayat on the ground provided under Section 14(1) (J-3). It is recorded that the petitioner was found having committed encroachment on the government land. It is submitted that though the learned Collector had called for report from the BDO and the authorities, the authorities did not carry the measurement by giving notice to the petitioner. The measurement was carried out in absence of the petitioner. The petitioner raised the ground before the learned Collector in an appeal. It is submitted that both the authorities have failed to appreciate this material aspect.

4. The learned advocate for the petitioner relies upon the judgment passed in the case of *Sau. Lalita Dilip Khandalkar Vs Additional Commissioner, Amravati* reported in 2019 (3) ABR 382 of this court at Nagpur. This court in the case of *Sau. Lalita Khandalkar (Supra)* observed that no notice was given of the measurement and the measurement was carried out in his

absence. In that view the matter was remanded to the Collector. It was directed to call for report of measurement by giving notice to the petitioner therein.

5. The learned advocate for the respondent vehemently opposed the petition. He submits that report is prepared by BDO and Extension Officer and it cannot be disbelieved lightly.

6. Considering the above position and in view of the judgment in the case of Sau. Lalita Khandalkar (supra), following order is passed:

### **ORDER**

a] This petition stands partly allowed.

b] The impugned judgment and order dated 24-03-2023 passed by the learned Collector, Jalgaon in G.P. Dispute Application No.20/2023 stands quashed and set aside.

c] The matter be remanded back to the learned Collector, Jalgaon.

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d] The learned Collector, Jalgaon shall again call for report from the authorities.

e] The authorities to give the notice to the petitioner before carrying out the measurement.

f] On calling fresh measurement report, the learned Collector to decide the matter afresh on or before 31-01-2025.

g] The parties to appear before the learned Collector on 13-12-2024.

h] Needless to say that the petitioner is expected to participate and not avoid the notice in any manner.

i] The parties to act upon authenticated copy of this order.

**[KISHORE C. SANT, J.]**